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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,814	12/16/2003	Jun Fujimoto	402918/SOEI	2867
23548 7590 08/06/2007 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/735,814

Applicant(s)

FUJIMOTO, JUN

Examiner

Ryan Hsu

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

In response to the amendments filed on 7/10/07, claims 1-7 have been amended and claims 8-9 have been newly added. Claims 1-9 are pending in the current application.

#### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 1-9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 10/735,812.**

Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the instant application call for a "house card issuing means for issuing which stores user information", a "server for transmitting casino data required for a casino game" and "a service management server comprising means for managing a casino deposit". In application 10/735,812 the limitations of the application call for a "house card

Art Unit: 3714

issuing means for issuing a house card which stores user information”, a “server which, when deposit data indicating a deposit which enables said user to utilize said services are inputted”, and “a service management server comprising means for managing a casino deposit”. The claims of the instant application and the claims of US application ‘812 are restatements towards the same subject matter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to simply re-word the claims of application ‘812 with common variations in terms and phrasing to derive the claims of the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by LeMay et al. (US 7,198,571 B2).**

Regarding claim 1, LeMay et al. disclose a service management system for managing hotel and casino services provided in a hotel in which a casino is located, comprising: a house card issuing means for issuing a house card which stores user information enabling identification

Art Unit: 3714

of a user of the downloading services (*see Fig. 5 and the related description thereof*); a intra-service server which, for transmitting casino data required for a casino game in response to a download request including the user information (*see Fig. 6*); and a service management server comprising means for managing a casino deposit which enables the user to utilize the casino services upon acquisition of the house card, and for restricting use of the casino services by the user based on usage restriction conditions placed on the casino deposit, where the house card is a guest room key for a user lodging in the hotel (*see Fig. 1(a-c)-2 and the related description thereof*).

Regarding claim 2, LeMay et al. disclose a downloading service system wherein the server determines the usage restriction conditions presence or absence of a deposit balance indicating amount of money remaining in the casino deposit (*see col. 3: ln 30-col. 5: ln 12*).

Regarding claims 4 and 6, LeMay et al. discloses a downloading server for comprising the intra-service server comprises means for updating the casino data in response to an update request (*ie: stored record, see col. 22: ln 3-24*).

Regarding claim 5, Mollett discloses a downloading service system that comprises a multi-media server for transmitting content data to the casino data reception means in response to the download request and a house card server for storing service data indicating the use of the downloading services for downloading the content data (*see col. 21: ln 45-col. 22: ln 24*).

Regarding claim 7, LeMay et al. disclose a downloading service system that comprises an action history management server for managing the actions of the user by obtaining the user information (*ie: cashless server, see Fig. 3 and the related description thereof*).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al (US 7,198,571 B2).**

Regarding claim 8, LeMay et al teaches a service management system for managing hotel and casino services provided in a hotel in which a casino is located comprising means for managing a casino deposit which enables a user to utilize casino services and for restricting use of the casino services by the user (*see col. 5: ln 1-col. 6: ln 10*). LeMay et al teaches that the system is able to validate user credits using the cashless server system, for example when the player's debit accounts associated with a financial institution are no longer available (*see col. 5: ln 1-col. 6: ln 10*). Although LeMay et al does not explicitly state that it rejects services to a user when the casino deposit reaches zero, this would be an obvious situation, which would result in what LeMay et al classifies as a "rejected service" by the transaction processor (*see col. 7: ln 35-57, col. 8: ln 12-65*). Since if a player's account has run out of financial resources then the system would reject a transaction and prevent the user from any other services until the problem was remedied in the form of a sent message from the server. This is a basic functionality of a credit card or debit card as taught in the prior art of LeMay et al. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the limitation that services would be halted if an account deposit reached zero.

**Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al. (US 7,198,571 B2) as applied to claims above, and further in view of Missouri Gaming Rules (11 CSR 45-6).**

LeMay et al. teaches a service management system that incorporates multiple services with the use of one card held by a designated individual. The card is coded to identify the rightful cardholder the ability to use hotel and casino services in the form of a house card, which is a guest room key for a user lodging in a hotel (*see Fig. 1-2 and the related description thereof*). Additionally, LeMay et al. teaches of a monitoring and tracking a player's transactions in a gaming environment and keeps tracks in the transaction history how much cash is available and has been played by a user (*see col. 3: ln: 5-col. 4: ln 51*). Although, LeMay et al. does not specifically state the incorporation of a loss-limit regulation (*ie: restricting use of casino services when a casino deposit or amount lost by a player has exceeded an upper limit accumulated over a time period*) this is an old and well-known function in the gaming industry. In an effort to help reduce players from losing too much money at the casino due to unregulated gambling habits or other unfortunate events, many states have established laws to prevent people from going bankrupt through foolish gambling habits. As taught in the rules set forth by the Missouri Gaming Commission a casino is specified to have a usage restriction of funds if an upper limit (*ie: \$500.00*) has been exceeded over a predetermined time period (*see pg. 4-5*). One would be motivated to incorporate this feature into the casino management system in order for it to meet the regulations set forth by gaming commissions such as the state of Missouri. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the casino management system of LeMay et al.

***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. However the applicant argues that claim 3 and new claim 7 has been misinterpreted by the Examiner. Examiner respectfully disagrees. While the point the applicant's representative is making is not contested as being different than what has been shown, the idea of a "casino deposits" as required is simply the amount designated by a user to play. When the claim language is read in its whole when a deposit has "exceeded an upper limit" or when the casino deposit "accumulated over a time period has exceeded an upper limit" would in its broadest reasonable interpretation read upon the gaming regulations of "Missouri". The current limitations of the claims do not limit it to the interpretation in which the applicant's representative has argued since the deposit could very well mean the amount the player has purchased or transferred funds over to play. The term casino deposit is just the amount requested from a user therefore does not specify that it includes the amount a user has won.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Mollett et al. (US 6,505,772 B1)** – System for Utilizing A Single Card to Provide Multiple Services In an Open Network Environment.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

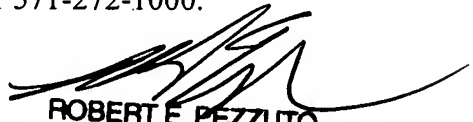


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148. The examiner can normally be reached on 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER